

MESSAGE FROM THE GOVERNOR.

The following message, transmitted through Mr. E. R. McLean, private secretary, was received from his Excellency, the Governor:

Executive Office,
April 30, 1897.

To the House of Representatives:

House bill No. 309 is herewith returned without approval. In substance it is an act for the sale of public lands in quantities of five acres or less, situated on islands in the State, to actual settlers who have settled and placed valuable improvements on the land prior to the first day of January, 1895, and authorizes the Commissioner of the General Land Office to sell such land to said settlers at such price per acre as may be fixed by him; provided, the same shall not be sold for less than its reasonable market value, to be determined by the Commissioner. Since the days of the Republic it has been the general policy of the people of Texas to reserve the islands of the State from sale or location, and without reference to whether this policy shall be further departed from, the bill can not be approved, because it is in violation of the Constitution. By section 2, article 7, of the Constitution, one-half of the public domain is made a part of the free school fund of the State, and by section 4 of the same article it is expressly provided that the lands constituting that fund shall be sold "on such terms as may be prescribed by law," which is not complied with by leaving the price of lands to the judgment and discretion of the Commissioner of the General Land Office. This legislative duty may not be delegated to the Commissioner. This act is also objectionable, because if the price of land had been specified, no provision has been made to give the school fund its share of the purchase money. G. H. & S. A. Ry. Co. v. State, 77 Texas, 368.

C. A. CULBERSON.